

United States District Court

MIDDLE DISTRICT OF ALABAMA

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

A First Class Mail package addressed to:

L. Williams
3631 Gaslight Curve #2B
Montgomery, AL 36116 bearing 6 first class
stamps

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: 2:05-mj-70-CSC

I, J. D. Tynan, being duly sworn depose and say:

I am a(n) United States Postal Inspector Official Title and have reason to believe

that on the person of or on the premises known as (name, description and/or location)

A first class mail package addressed to L. Williams, 3631 Gaslight Curve #2B, Montgomery, AL 36116 with the return address of Thomas Laface, 1201 N. Continental Blvd., El Segundo, CA 90245, bearing 6 first class stamps.

in the Middle District of Alabama
there is now concealed a certain person or property, namely (describe the person or property)

controlled substances

which is (give alleged grounds for search and seizure under Rule 41(b) of the Federal Rules of Criminal Procedure)

contraband, the fruits of a crime or thing otherwise criminally possessed,

in violation of Title 21 United States Code, Section(s) 841(a)(1) and 843(b).
The facts to support the issuance of a Search Warrant are as follows:

See ATTACHMENT 1

Continued on the attached sheet and made a part hereof.

Yes No

J. D. Tynan
Signature of Affiant

Sworn to before me, and subscribed in my presence

MAY 20, 2005

Date

CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

at MONTGOMERY, ALABAMA

City and State

J. D. Tynan
Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

The undersigned, being duly sworn on oath, deposes and says:

1. I, James D. Tynan, have been a United States Postal Inspector for three years. I am currently assigned to the U.S. Postal Inspection Service Office in Montgomery, AL. I investigate incidents where the United States Mails are used for the purpose of transporting non-mailable matter, including controlled substances such as marijuana, cocaine, heroin, and steroids in violation of Title 21, United States Code, Sections 841(a)(1) and 843(b), and substances mailed in violation of Title 18, United States Code, Section 1716. The following information has been obtained by me personally or has been provided to me by other law enforcement officers and postal employees.

2. Prior investigations by U.S. Postal Inspectors have determined that the U.S. Mails are being used to transmit controlled substances and proceeds from the sale of controlled substances.

3. This investigation was initiated based on information provided to me on May 19, 2005, from ABI Special Agent Joe Herman, Montgomery, AL. Herman stated that a suspect was arrested by Border Patrol in El Paso, TX on a bus interdiction. Herman stated the suspect said that two individuals from Anaheim, CA were mailing cocaine and methamphetamines, approximately 4 to 5 oz. at a time, to Leon Williams, 36131 Gaslight Curve, Apt #2B, Montgomery, AL. The subject said that one of the men in CA had just mailed a package in a manila type envelope to Williams.

4. On May 19, 2005, I spoke with the letter carrier for the route, from the South Station, who stated the surname of Williams receives mail at 3631 Gaslight Curve #2B, Montgomery, AL 36116; I asked the carrier to contact me if any packages from CA or TX came to this address in the future.

5. On May 20, 2005, the carrier called me and stated there were 3 small packages from El Segundo, CA addressed to L. Williams, 3631 Gaslight Curve, #2B, Montgomery, AL 36116. I responded to the post office and recovered the 3 packages. At this time the carrier stated that he had delivered approximately 8 to 10 packages very similar to these packages at various times.

4. The packages are further described as follows:

a. First Class Mail: 7 first class stamps on package #1 and 6 first class stamps on packages #2 and #3

b. Mailing Date: Approx May 18, 2005

c. Addressed to: L. Williams
3631 Gaslight Curve #2B
Montgomery, AL 36116

d. Return Address: Thomas Laface
1201 N. Continental Blvd.
El Segundo, CA 90245

e. Class of Mail: First Class Mail

f. Postage Affixed: \$2.59 in stamps on package #1 and \$2.22 in stamps on packages #2 and #3

g. Size: Approx. 6" X 9" X 2"

h. Weight: Approx. 7 oz.

i. Wrapping: One manila envelope with possible bubble wrap

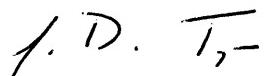
5. Neither the carrier, nor myself, are aware of any business operating out of the aforementioned address. As a note, businesses will typically type their return labels; this label was hand written.

6. On May 20, 2005, trained narcotics dog handler Francisco Aponte and his narcotics detector dog "Pyro" conducted an exterior inspection of the above-described packages, the dog alerted on each package, indicating that each packages contained the scent of controlled substances. At this time Inspector Tynan took possession of the packages.

7. I have been advised of the qualifications of the dog handler and his narcotics detector dog, which is more fully described in Attachment "A", which is filed in conjunction herewith and incorporated by reference herein.

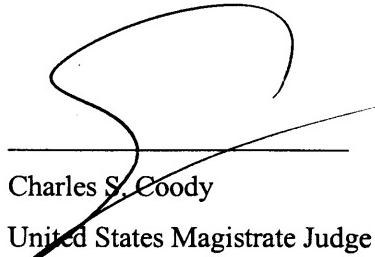
8. Based on my training and experience and the facts set forth in this affidavit, I submit there is probable cause to believe that controlled substances are being concealed in the afore-mentioned mail articles which are described in paragraph 4, and seek the issuance of a search warrant directing the search of each package, the seizure of said mail article, any controlled substance(s) contained therein, and any enclosed materials relating to the distribution of controlled substances.

9. The packages have been maintained unopened in the custody of U. S. Postal Inspectors pending application for a search warrant.



J. D. Tynan
Postal Inspector

Sworn to and subscribed before me this
20th day of May, 2005, at
Montgomery, AL.



Charles S. Coody
United States Magistrate Judge

Attachment "A"

"Pyro" is a male Belgium Malinois, approximately four years old and has been working as a narcotics detector dog since approximately May 1, 2003. He was trained and certified by Montgomery County Sheriff's Office Trainer Thomas D. Davis, K-9 Deputy, Montgomery County Sheriff's Office, Montgomery, Alabama. "Pyro" is certified to detect cocaine, crack, heroin, methamphetamine, and marijuana. He has successfully alerted approximately 16 times.

K-9 Investigator Francisco M. Aponte has been a canine officer with the Montgomery Housing Authority since May 2003, and is currently assigned to the Montgomery, AL HITDA Drug Task Force. Aponte has been a law enforcement officer since approximately 1998. He has worked a narcotics detector dog since January 2002, and has worked "Pyro" since approximately May 2003.